PATENT
455610-2580.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants   :   Lawrence Steven Salant et al.

Serial No.   :   10/673,712

For   :   METHOD OF BIT ERROR RATE ANALYSIS

Filed   :   September 29, 2003

Examiner   :

Art Unit   :   2117

Confirmation :   2458

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COMMUNICATION ACCOMPANYING RCE

Mail Stop **RCE**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper accompanies the Request for Continued Examination (RCE) following the

Advisory Action dated January 14, 2008 which denied entry of Applicants' Amendment filed

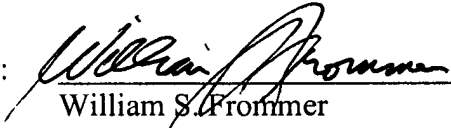December 11, 2007 under 37 CFR 1.116.

The Advisory Action states that Applicants' December 11, 2007 response "fails to argue

and discuss limitations that the prior arts of record cannot teach." However, it should be readily

apparent that the feature added to, for example, claim 1, namely the feature of recovering the

clock signal "by establishing a threshold and determining pairs of adjacent samples of said stored

data signal that the straddle said threshold, taking into account a hysteresis requirement to

confirm that a determined pair of adjacent samples that straddle said threshold represent a

threshold crossing point" clearly is not suggested by the patents to Tan, Mojoli or Verboom. As

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stated in Applicants' December 11, 2007 Amendment, paragraph [0029] of Applicants' published

application describes this feature. Thus, claim 1, as well as claim 10 which was amended to

incorporate the same feature as recited now in claim 1, is patentably distinct over the cited prior

art.

Also accompanying the RCE is an Information Disclosure Statement (IDS) which brings

to the Examiner's attention additional documents.

Respectfully submitted,

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